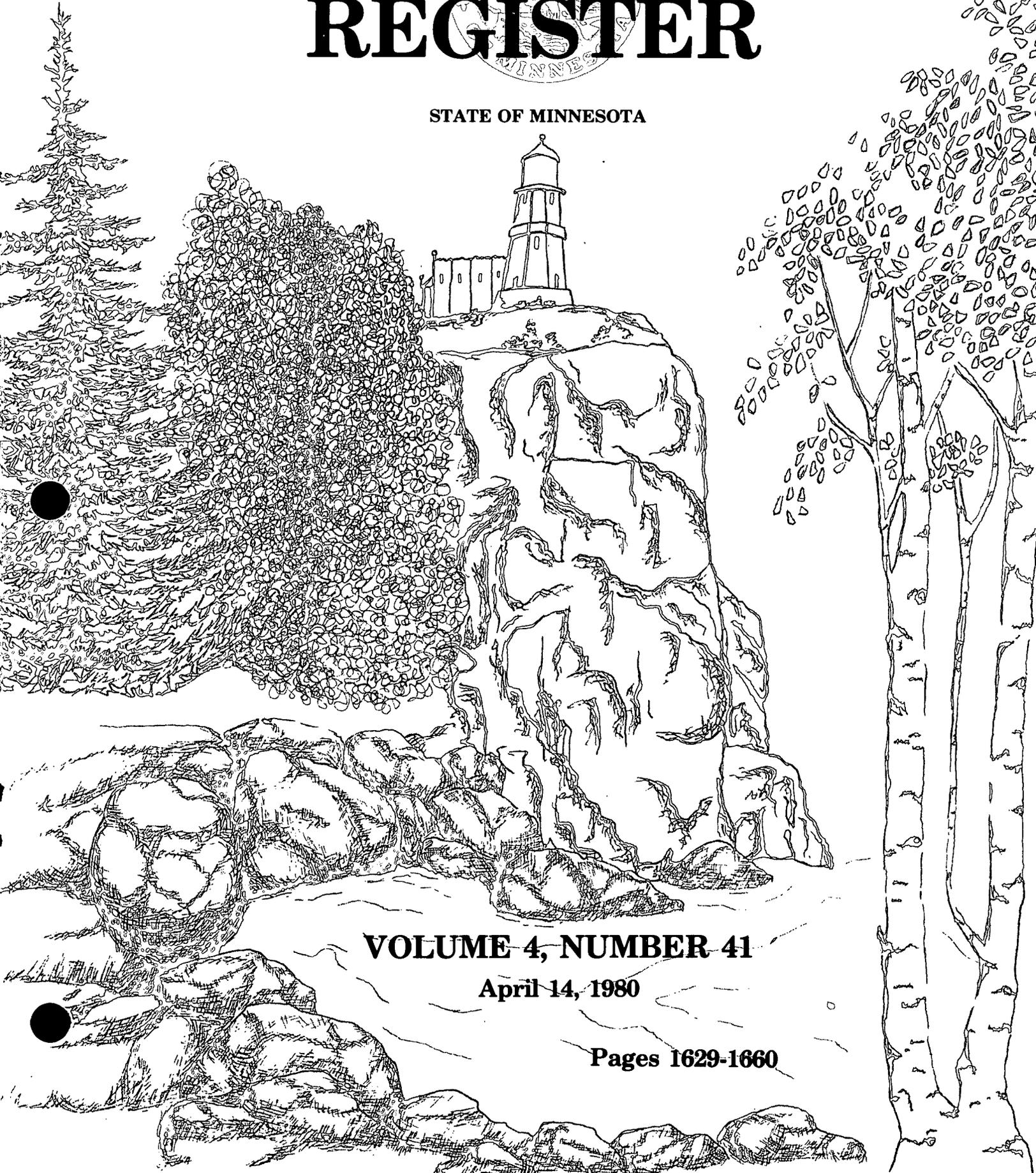


STATE REGISTER

STATE OF MINNESOTA



VOLUME 4, NUMBER 41

April 14, 1980

Pages 1629-1660



Volume 4 Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 4			
42	Monday Apr 7	Monday Apr 14	Monday Apr 21
43	Monday Apr 14	Monday Apr 21	Monday Apr 28
44	Monday Apr 21	Monday Apr 28	Monday May 5
45	Monday Apr 28	Monday May 5	Monday May 12

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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NOTICE

How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issue 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

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PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Public Safety Driver and Vehicle Services Division

Proposed Rules Governing Administration of Driver License Laws Pertaining to Physical or Mental Qualifications

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room B9 Transportation Building, John Ireland Blvd., St. Paul, MN 55112 on May 15, 1980, commencing at 1:00 p.m. and continuing until all persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above.

All interested or affected persons or representatives of groups or organizations will have an opportunity to participate, by submitting either oral or written data, statement, or arguments. Written materials may be submitted by mail to Phyllis Reha, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, MN 55104, either before the hearing or within 5 working days after the close of the hearing (the hearing examiner may extend the written comment period up to 20 calendar days at the hearing.) The proposed rules are subject to change as a result of the rule hearing process. The department therefore strongly urges those who may potentially be affected by the substance of the proposed rules to participate in the hearing process.

The commissioner proposes to adopt rules relating to the following matters: The proposed rules pertain to the administration of provisions of Minn. Stat. ch. 171 which are related to the granting, denying, restricting, suspending, revoking or canceling of drivers' licenses of persons with physical or mental disabilities or diseases when the department's decision is related to the disability or disease. The disabilities and diseases dealt with in the proposed rules include: visual acuity, diabetes, commitment as an inebriate, mental illnesses, and conditions resulting in loss of consciousness or voluntary control. The

Public Hearings on Agency Rules April 14-19, 1980

Date	Agency and Rule Matter	Time & Place
Apr 22	Transportation Department Program of State Grants for Development of Local Bicycle Trails (Bikeways) Hearing Examiner: Harry Seymour Crump	10:00 a.m., Conference Rm. D, Veterans Service Bldg., 20 W. 12th St. and Columbus Ave., St. Paul, MN
Apr 23	Education Department State Residential Schools for the Deaf, Blind & Multiply Handicapped Sensory Impaired Students Hearing Examiner: Peter C. Erickson	9:00 a.m., Huckleberry Inn, 2519 N. Lyndale, Faribault, MN 55021

proposed rules include the criteria the department will use to determine the person's eligibility or ineligibility for a license pursuant to Minn. Stat. § 171.04, clauses (8) and (9).

The department's authority to promulgate the proposed rules is contained in Minn. Stat. § 15.0412, subd 3, and ch. 171 generally.

One free copy of the proposed rules is available and may be obtained by writing to Department of Public Safety, RULES, 211 Transportation Bldg., St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike-outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

PROPOSED RULES

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the Department of Public Safety and at the Office of Hearing Examiners. The Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the department at the hearing, justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he commences lobbying. Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) defines a lobbyist as any individual engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Bldg., St. Paul, Minn. 55155, telephone (612) 296-5615.

John P. Sopsic
Commissioner of Public Safety

Rules as Proposed (all new material)

Chapter Nine: Standards for Administration of Driver License Laws Pertaining to Physical or Mental Qualifications

11 MCAR § 1.4092 Purpose and Scope.

A. The purpose of this chapter is to set out general standards for effective administration of the driver licensing statutes relating to the issuance, restriction or denial of driving privileges with respect to persons afflicted with physical or mental disabilities under Minn. Stat. §§ 171.04; 171.13 and 171.14, and in response to the request of the Legislative Commission to Review Administrative Rules.

B. The scope of these rules is intended to be confined within the framework of, and consistent with the provisions of Chapter 171 of Minnesota Statutes.

C. Nothing in this chapter shall be construed as limiting the statutory discretion and authority of the commissioner to either impose additional restrictions or to allow greater privileges in those situations in which, in the commissioner's sound discre-

tion, the commissioner determines that a variation from the general standards is warranted.

11 MCAR § 1.4093 Vision.

A. General. Every applicant must submit to a vision test. The purpose of the vision test is (a) to require every applicant with sub-standard vision to take the steps required to achieve the best vision possible; and (b) to deny driving privileges to those whose vision is likely to interfere with the safe operation of motor vehicles in traffic. Except as otherwise provided herein, no corrective lenses will be required where the applicant:

1. Scores 20/40 or better, with both eyes, without corrective lenses;
2. Has one eye, but scores 20/40 or better, without corrective lenses; or
3. Has the recommendation of an eye specialist that corrective lenses not be worn. In cases under A.3. the commissioner may require the applicant to be examined further, or impose suitable restrictions upon his driving privileges, or both.

B. Corrective lens requirement. Corrective lenses shall be required in all cases where:

1. The applicant scores less than 20/40 with both eyes unassisted, but scores 20/40 or better with corrective lenses;
2. The applicant submits a physician's statement (Form 30338) indicating that the applicant scores 20/40 or better with each eye, or both eyes together, but where the physician recommends that the applicant wear corrective lenses; or
3. The applicant is blind in one eye and scores 20/40 or less with the other eye, with corrective lenses.

C. "Vision Special" restricted licenses. Applicants who score 20/50 or less with both eyes, with corrective lenses, or 20/40 or less with one usable eye, may be issued specially restricted licenses to permit driving for employment and other necessary purposes, subject to the following restrictions:

1. Speed restrictions:

20/50	55 m.p.h.
20/60	50 m.p.h.
20/70	45 m.p.h.

Where the applicant scores 20/80 to 20/100, any application shall be referred to the Chief Driver Evaluator. Where the applicant scores 20/100 or less, or is known to be receiving assistance for the blind, all privileges shall be denied and any existing license cancelled under authority of Minn. Stat. §§ 171.14 and 171.04 (9).

2. Restriction as to type of road. Any applicant subject to speed restrictions under C.1. may also be restricted to those roads having a maximum speed limit equal to the maximum speed limit imposed upon the applicant. Any person limited to a maximum speed of 45 m.p.h. or less may not drive on any freeway, expressway, or limited access highway with a speed limit of more than 45 m.p.h.

3. Area restrictions. Any applicant who scores less than

20/40, with both eyes and corrective lenses, may be restricted to driving within an area to be determined by the commissioner.

C. Special vision examinations. Any applicant shall be required to submit to a more thorough vision test, by such agency as the commissioner may prescribe, where:

1. The applicant has cataracts;
2. The applicant has strabismus;
3. The applicant has double vision;
4. The applicant disagrees with the examination conducted by any driver examiner;
5. The driver examiner is unable to determine the extent of the applicant's vision;
6. Any court or police officer has recommended that the applicant's vision be examined; or
7. The commissioner determines, in some other situation, that examination is warranted.

D. Other situations. Any vision readings or problems not covered by the above general standards shall be referred to the Chief Driver Evaluator for consideration.

11 MCAR § 1.4094 Loss of Consciousness or voluntary control.

A. General. This standard pertains to the regulation of all types of driver licenses. This rule applies to all drivers and applicants for driving privileges who suffer from any paroxysmal disturbances of consciousness, including, but not limited to, epilepsy. Any person suffering from narcolepsy or syncope of any cause, as well as any other type of periodic or episodic loss of consciousness or voluntary control, is included.

B. Denial. Any person or applicant suffering from any of the conditions described in A. shall be denied all driving privileges until:

1. The applicant submits a sworn statement that he has been free of any such seizures, with or without medication, for not less than one year; and
2. The applicant submits a written statement by his physician verifying that:
 - a. The physician has recently examined the applicant;
 - b. The applicant is faithfully cooperating with any medical treatment program; and
 - c. The physician believes that the applicant is, as far as the specific medical condition is concerned, fully able to operate a motor vehicle with safety to himself and others.

No exception will be made for those applicants who have an "aura" or warning of imminent seizure or attack, or who has

only nocturnal episodes. No restricted license, imposing restrictions as to speed, types of roads, or otherwise, may be issued.

C. Review of applicant's condition. Except as otherwise provided below, any licensee or applicant subject to medical conditions subject to this rule shall be required to submit an annual physician's statement in the form prescribed by the commissioner, with respect to his medical history, present situation, and prognosis with respect to the applicant's ability to operate a motor vehicle with safety to himself and others.

1. Where there is substantial doubt as to the stability of the applicant's condition, the commissioner shall require physician's statements every six months, or at such shorter interval as may be advisable.

2. After three successive annual physician's statements indicating no episodes of loss of voluntary control, while on medication, the commissioner may reduce the frequency of review to every second year, unless the physician recommends otherwise.

3. After three successive annual physician's statements indicating no episodes of loss of voluntary control, without medication, the Commissioner may reduce the frequency of review to each license renewal or such other period as may be recommended by the physician.

4. Where the physician's statement indicates that an episode of loss of voluntary control resulted from a change or removal of medication on the physician's orders, the frequency of review shall be increased to every six months until the person has been episode-free for not less than one year.

5. Where the physician reports that there has been only one such episode, the procedure shall be as indicated in C.4. above.

11 MCAR § 1.4095 Diabetes.

A. General. A physician's statement will be required whenever the commissioner receives information that a licensee or applicant suffers from diabetes, or has experienced a loss of voluntary control due to either insulin reaction or acidosis within the previous two years.

B. Insulin control. Where the licensee or applicant uses insulin to control diabetes, a physician's statement shall be required annually in the form prescribed by the commissioner. If the person remains free of episodes of loss of voluntary control due to insulin reaction or acidosis, the frequency of review shall be reduced to every two years. If the person remains episode-free for three "two-year checks," the frequency of review shall be reduced to every four years. If there is an episode of loss of voluntary control, the frequency of review shall be increased to every six months, until the person has been episode-free for one year.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike-outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

PROPOSED RULES

C. Oral medication or diet control. Where the licensee or applicant controls diabetes by means of diet or oral medication, the frequency of review shall be every four years. However, if there is any episode of loss of consciousness resulting from either insulin reaction or acidosis, the frequency of review shall be as prescribed in B., above.

11 MCAR § 1.4096 Inebriates. Where the commissioner receives information that a person has been committed as an inebriate, a physician's statement, in such form as the commissioner may prescribe, shall be required within 30 days. If, upon review of the information, the commissioner is not satisfied that the person can be trusted to drive safely, all driving privileges shall be cancelled under authority of Minn. Stat. § 171.14 and denied under authority of Minn. Stat. §§ 171.04(4) and (5). The person shall not be issued any driving privileges, limited or otherwise, until the commissioner is satisfied that the person can be trusted to drive safely.

11 MCAR § 1.4097 Mental illness or deficiency.

Where the commissioner receives information that a person is mentally ill, incompetent or deficient, a physician's statement, in such form as the commissioner may prescribe, shall be required within 30 days. If, upon review of the report of an examination by acceptable medical authority, the commissioner is not satisfied that the person can drive safely, all driving privileges shall be cancelled under authority of Minn. Stat. § 171.14 and denied under authority of Minn. Stat. §§ 171.04(5) or (9). The person shall not be issued any driving privileges, limited or otherwise, until the commissioner is satisfied that the person is competent to drive safely.

In considering an application for reinstatement, the commissioner may require a satisfactory statement from any institution in which the person has been treated, from any treating physicians, or from any competent medical authority acceptable to the commissioner.

11 MCAR § 1.4098 Miscellaneous physical or mental conditions.

A. A physician's statement, in such form as the commissioner may prescribe, may be required in the following situations:

1. Questionable use of any medication, whether or not prescribed.
2. Any disease which may raise doubts as to the person's ability to drive safely.
3. Questionable use of alcohol or controlled substances.
4. Questionable physical control, such as may be manifested by fainting or dizzy spells, blackouts or periods of unconsciousness.
5. Questionable physical endurance, such as may be manifested by a person subject to fatigue, exhaustion, nervous tension, or adverse reaction to monotony.
6. Questionable reflexes, such as may be manifested by persons suffering from cerebral palsy, multiple sclerosis, Parkinson's disease, or similar conditions.

B. A complete driver's license examination may be required whenever:

1. Information is received from police officers, accident reports or driver evaluations which raise doubts as to the adequacy of:
 - a. Driving procedures.
 - b. Judgment of space, time and motion.
 - c. Physical stature needed to properly control a vehicle.
 - d. Physical strength to operate a vehicle's controls.
 - e. Physical condition to operate a vehicle.
2. Recommended by a physician.
3. Recommended by a court.

11 MCAR § 1.4099 Medical review board. Where a person disagrees with the determination of the commissioner in cases of restrictions or withdrawal of driving privileges based upon physical or mental problems, he may request that the commissioner refer the dispute to an independent medical review board for its consideration and recommendations. Any applicant seeking review by the medical review board must have his treating physician or physicians provide the commissioner with a complete medical history relating to the condition in question, together with good medical reasons why the commissioner's determination should be changed. The commissioner shall then forward to the medical review board all information submitted by the applicant together with the commissioner's records relating to the matter.

The medical review board shall consist of one or more licensed physicians, preferably specialists in the area to which the medical problem relates, nominated by the state medical association. Each physician on the review board shall review the file and make his recommendation to the chairman of the review board, who shall communicate the recommendation of the board, whether unanimous or divided, to the commissioner.

Upon receipt of the recommendation of the review board, the commissioner shall reconsider the application and take whatever action he then deems appropriate.

11 MCAR § 1.4100 Special restricted licenses.

A. Where a person has failed, after three attempts, to pass the driver's license examination, but can demonstrate a genuine need to be able to drive, he may request consideration for issuance of a special restricted license.

All such applications shall be referred to the Chief Driver Evaluator. The applicant must undergo a special examination by an Examiner Supervisor, who shall determine the risk involved, and forward his written recommendations, including, when applicable, suggested basic restrictions, to the Chief Driver Examiner for forwarding to the Chief Driver Evaluator. The Chief Driver Evaluator shall review the entire record and determine whether any driving privileges may be authorized.

B. Any special restricted licenses issued shall be subject to

cancellation whenever the commissioner determines that the person has violated the restrictions imposed. The commissioner may notify local law enforcement agencies of the issuance of any special restricted license and of the restrictions involved. Any report of a violation of the restrictions shall be referred to the Chief Driver Evaluator for consideration. Any conviction indicating a violation of the restrictions shall result in cancellation. After cancellation, no driving privileges may be allowed until the commissioner determines that the licensee can be trusted to operate within the restrictions imposed. Any reinstatement may be conditioned upon compliance with additional restrictions for such period as the commissioner may direct.

Department of Revenue

Proposed Rules Governing the Ad Valorem (Property) Taxes Imposed on Railroad Companies

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room #51, Ground Floor, State Office Building, Wabasha Street and Park Avenue, Saint Paul, Minnesota 55155, on Thursday, May 15, 1980 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Jon L. Lunde, Office of Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, (612) 296-5938, either before the hearing or within five working days after the close of the hearing. The hearing examiner may extend this time limit for a longer period, however, the extension cannot exceed 20 calendar days.

The proposed rules if adopted will establish methods and procedures to be used by the Department of Revenue relating to ad valorem (property) taxes imposed on railroad companies. The proposed rules deal generally with general procedures, definition of terms, reports required of railroad companies, valuation of railroad property using the cost, income and stock and debt indicators of value, computation of the unit value, valuation of bankrupt railroads, allocation procedures and factors used to establish the Minnesota portion of the unit value and deductions from the Minnesota unit value for exempt, non-operating property and personal property.

Copies of the proposed rules are now available, and one free copy may be obtained by writing to G. D. Garski, Manager of State Assessed Property, Property Equalization Division, Sec-

ond Floor, Centennial Office Building, Saint Paul, Minnesota 55145, (612) 296-5131. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. §§ 270.06; 270.11, subs. 1 and 6; 270.81, subd. 1; and subd. 5.

Notice is hereby given that 25 days prior to the hearing a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Notice: The proposed rule is subject to change as a result of the rule hearing process. The agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rule to participate in the rule hearing process.

Minn. Stat. ch. 10A.03 (1978) requires each lobbyist to register with the State Ethical Practices Board within five (5) days of the commencement of such activities by the individual.

Minn. Stat. § 10A.01., subd. 11 (Supp. 1979), defines a lobbyist as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged

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PROPOSED RULES

in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in Minn. Stat. § 500.24, subd. 1, who does not spend over \$250, excluding *his own* travel expenses in any year in communicating with public officials;

(g) Party or his representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Questions should be directed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, Saint Paul, Minnesota 55155, phone number (612) 296-5615.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

March 20, 1980

Clyde E. Allen, Jr.
Commissioner of Revenue

Rules as Proposed (all new material)

[Proposed temporary rules numbered as 13 MCAR §§ 1.0021-1.0026 were published at *State Register*, Volume 4, Number 29, pp. 1169-1173, January 21, 1980.]

Chapter Two: Valuation and Assessment of Railroads

13 MCAR § 1.0021 General procedures. The 1979 Minnesota Legislature included in its Omnibus Tax Bill a section, Article VII, dealing with the taxation of railroads. The article provides for an ad valorem tax on railroads in place of the gross earnings tax. The article also charges the Commissioner of Revenue with the responsibility of developing rules, both temporary and permanent, which will implement the provisions of the law dealing with the ad valorem method of taxing railroads.

The first valuation of railroad operating property will be made for the assessment year 1979. No apportionment of value to the local taxing districts will be made until 1981 for ad valorem taxes payable in 1982.

The methods, procedures, indicators of value, capitalization rates, weighting percents, allocation factors and apportionment

standards will be used as described in this chapter for 1979 and subsequent years.

13 MCAR § 1.0022 Definitions. As used in this chapter, the following words, terms and phrases shall have the meanings given to them by this rule. Some of the words, terms and phrases listed below are defined by statute but are included here for completeness.

A. Allocation—the process of dividing the unit value of a railroad company among the states in which the railroad operates.

B. Apportionment—the process of distributing that portion of the railroad's unit value which has been allocated to Minnesota after deducting exempt and non-operating property to the various taxing districts in which the railroad company operates.

C. Book depreciation—the depreciation shown by a railroad company on its corporate books, and allowed the company by the Interstate Commerce Commission.

D. Capitalization rate—an anticipated rate of return from an investment; a rate at which income is processed (capitalized) to indicate the probable capital value. This rate is usually expressed as a percentage.

E. Exempt property—property which is non-taxable for ad valorem tax purposes by statutes. Examples of such property are approved pollution control equipment for which an exemption has been granted, and personal property such as office furniture and licensed vehicles.

F. Non-operating property—all property owned by a railroad company which does not fall under the definition of operating property. Non-operating property shall include real property which is leased or rented or available for lease or rent to any person which is not a railroad company. Vacant land shall be presumed to be available for lease or rent if it has not been used as operating property for a period of one year preceding the valuation date. It shall also include land which is not necessary and integral to the performance of railroad transportation services and which is not used on a regular and continual basis in the performance of these services. This property shall be valued by the local or county assessor rather than by the Commissioner of Revenue.

G. Operating property—all property owned or used on a regular basis by a railroad company in the performance of railroad transportation services, including without limitation franchises, rights-of-way, bridge trestles, shops, docks, wharves, buildings and structures.

H. Original cost—the amount paid for an asset as recorded on the railroad's book in accordance with ICC accounting rules and regulations.

I. Railroad company—any company which as a common carrier operates a railroad or a line or lines of railway situated within or partly within Minnesota.

J. System—the total tangible property, real and personal, of a company which is used in its railroad operations in all states in which it operates.

K. Unit value—the value of the system of a railroad company taken as a whole without any regard to the value of its component parts.

L. Weighting—the confidence or reliability given to a factor or indicator. It is usually expressed as a portion of 100%.

13 MCAR § 1.0023 Reports required.

A. The data used in the valuation, allocation and apportionment processes will be drawn from reports submitted to the Department of Revenue by the railroad companies and other sources the commissioner believes are pertinent. These reports are to be filed with the commissioner on or before April 30 of each year and shall include:

1. The Minnesota Department of Revenue Annual Railroad Report.
2. Annual Report to the Interstate Commerce Commission (ICC).
3. Annual Report to the Minnesota Public Service Commission (P.S.C.)
4. Annual stockholders report.

B. Periodic examination of the supporting data for these reports will be made by the Department of Revenue. The commissioner shall upon written application from the railroad, extend the filing date 30 days.

C. In the event any railroad company shall fail to file the required reports, the commissioner shall make a valuation according to his best judgment based on available information.

13 MCAR § 1.0024 Valuation.

A. General. The Minnesota Legislature has specified that railroads must be valued using the unit basis of estimating value. The approaches to value which will be used in determining the estimated unit value of railroad operating property are cost, capitalized income, and stock and debt except as provided for in 13 MCAR § 1.0024 D. and F. It is the decision of the Commissioner of Revenue that for 1979 and subsequent years the value of railroad property will be determined using these three approaches to value, where applicable, in the manner provided for in this section.

B. Cost approach to valuation. The cost factor that will be considered in the railroad valuation method is the original cost of the railroad system, plus the original cost of construction work in progress on the assessment date. The railroad system shall be considered to be made up of the following I.C.C. accounts: all road and equipment accounts, all general expenditures and other elements of investment accounts, and railroad property owned but leased to others. As required by statute, no depreciation or obsolescence shall be allowed as a deduction from the original cost of the railroad's assets enumerated above.

The following is an example of how the cost indicator of value is to be computed:

XYZ Railroad	
Account	Amount
Road	\$13,000,000
Equipment	9,000,000
Construction Work in Progress	1,000,000
Leased Property	500,000
General Expenditures	<u>1,500,000</u>
Cost Indicator of Value	\$25,000,000

This cost indicator of value computed in accordance with this rule will bear a weighting of 25 percent of the total unit value estimate of the railroad's property, except in the case of bankrupt railroads, or railroads with no income to be capitalized as provided for in 13 MCAR § 1.0024 F.

C. Income approach to valuation. The income indicator of value will be calculated by averaging the Net Railway Operating Income (as defined by the I.C.C.) of the railroad for the most recent five years preceding the assessment. This average income shall be capitalized by applying to it a capitalization rate which will be computed by using the Band of Investment Method. This method will consider:

1. The capital structure of railroads.
2. The cost of debt or interest rate paying particular attention to imbedded debt of railroads.
3. The yield on preferred stock of railroads.
4. The yield on common stock of railroads.

For 1979 and subsequent years this capitalization rate will be 11%.

An example of a computation of the capitalized income approach to value is as follows:

XYZ Railroad	
Net Railway Operating Income	
1974	\$1,500,000
1975	2,000,000
1976	2,600,000
1977	3,001,000
1978	<u>2,600,250</u>
Total	\$11,701,250
Average	\$ 2,340,250

Five year average Net Railway Operating Income Capitalized at 11% (2,340,250 ÷ 11%) equals \$21,275,000.

The income indicator of value computed in accordance with this rule will be weighted 50 percent of the total estimated unit value of the railroad's property except in the case of bankrupt railroads or railroads have no net operating income as provided

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PROPOSED RULES

for in 13 MCAR § 1.0024 F; and railroads not meeting the requirements for the use of the stock and debt indicator of value. Where no stock and debt indicator of value is used the income indicator will be weighted 75%.

D. Stock and Debt approach to valuation. The "Stock and Debt" approach to value is the third method which will be used to estimate the unit value of the railroad operating property. This approach to value is based on the accounting principle: Assets = Liabilities + Equity. Therefore, when the value of a company's liabilities (debt) is found and this added to the worth of its stock, a value can be established for its assets (property).

The use of this approach to value will be limited to only those railroads meeting certain qualifications listed below:

1. The stock of the railroad must be traded on a recognized stock exchange.
2. The bonds of the railroad must be traded or have a rating by a recognized financial rating service.
3. If the railroad is part of a diversified company the value of the railroad portion of the total stock prices must be able to be separated on an earnings basis.

For example if a railroad is part of a conglomerate whose stock sells at \$100 per share and 50% of the net earnings of the conglomerate are from railroad operations then the value of the railroad's portion of the stock is \$50 per share.

If a railroad has no net earnings, making it impossible to separate the stock value into its parts, then the stock and debt indicator of value will not be used.

The value of the stock used in the stock and debt method shall be an average of the month ending stock prices for the twelve months immediately preceding the assessment date. The value of the bonds, equipment obligations and conditional sales contracts and other long term debts shall also be an average of the cost of money quotes for the twelve months immediately preceding the assessment date. The source for these stock and bond prices shall be Standard and Poor's Stockguide, or other applicable financial service.

An illustration of a computation of the stock and debt approach to value is as follows:

XYZ Railroad Company	
Shares of Common Stock issued x Average price for preceding year	1,000,000 x \$12 = \$12,000,000
Shares of Preferred Stock x Average price for preceding year	100,000 x \$15 = \$ 1,500,000
Rate and face value of bonds x Average price for class of bonds for preceding year	A rated 8% bonds \$10,000,000 x 99% of par = \$ 9,900,000
Stock and Debt Indicator of Value	<u>\$23,400,000</u>

After the gross stock and debt indicator of value has been computed an allowance will be made for the effect, if any, of revenue from other than railway operations included in this

indicator of value. This allowance shall be based on the ratio of a five year average of Net Revenue from Railway Operations, as defined by the I.C.C., to a similar five year average of Income Available for Fixed Charges as defined by the I.C.C. The five year average will be the most recent five years preceding the assessment date.

An example of this computation is as follows:

	XYZ Railroad Company	
	Net Revenue from Railway Operations	Income Available for Fixed Charges
1974	\$ 3,000,000	\$ 3,500,000
1975	4,000,000	4,300,000
1976	5,200,000	5,700,000
1977	6,000,000	6,800,000
1978	<u>5,200,000</u>	<u>5,400,000</u>
	\$23,400,000	\$25,700,000
Average	\$ 4,680,000	\$ 5,140,000
Ratio	\$4,680,000 ÷ \$5,140,000 = 91%	
Gross Stock and Debt Indicator of Value		\$23,400,000
Ratio of Operating to Non-Carrier Earnings		91%
Net Stock and Debt Indicator of Value		<u>\$21,300,000</u>

The stock and debt indicator of value computed in accordance with this rule will bear a weighting of 25 percent of the total unit value of the railroad's property, except in the case of bankrupt railroads, or railroads with no income to be capitalized as provided for in 13 MCAR § 1.0024 F.

E. Unit value computation. The estimated unit value of the railroad property will be the total of the three weighted indicators of value.

The following is an example of the computation of the unit value.

	XYZ Railroad		
Valuation Approach	Value	Weighting	
Cost indicator of value	\$25,000,000	25%	6,250,000
Income indicator of value	21,275,000	x 50%	10,637,500
Stock and debt indicator of value	21,300,000	25%	<u>5,325,000</u>
			Unit Value \$22,212,500

The weighting shown above may vary from railroad to railroad, as provided for in 13 MCAR § 1.0024 B. C. and D. depending on the conditions and circumstances involved in each valuation. For example a railroad with no outstanding stock would not have a computation for a stock and debt indicator of value, and therefore the income indicator of value would be weighted 75%.

F. Railroads operating at a loss and bankrupt railroads. Railroads which are involved in bankruptcy proceedings, or railroads having no net railway operating income will be valued using whatever indicators of value are workable. If the stock or bonds of such railroads are not traded, or do not meet the other requirements for use of the stock and debt indicator of value then these railroads will be valued using the cost approach to value only.

13 MCAR § 1.0025 Allocation.

A. General. After the estimated unit value of the railroad property has been determined, the portion of value which is attributable to Minnesota must be established. This is accomplished through the use of certain allocation factors. Each of the factors in the allocation method shows a relationship between the railroad system operations in all states and its Minnesota operations. These relationships are expressed in a percentage figure. These percentages are then added and an average is computed. The resulting average of the factors, multiplied by the unit value, yields the Minnesota portion of the railroad property which will, after the adjustments described in § 1.0025, be subject to ad valorem tax in the State of Minnesota.

B. Allocation factors. The factors to be considered in making allocations of unit values to Minnesota for railroad companies are:

1. Miles of railroad track operated in Minnesota divided by miles of railroad track operated in all states.
2. Ton miles of revenue freight transported in Minnesota divided by ton miles of revenue freight transported in all states.
3. Gross revenues from transportation operations within Minnesota divided by gross revenues from transportation operations in all states.
4. Original cost of road property in Minnesota divided by the original cost of road property in all states.

The following example illustrates the allocation method to be applied to the unit value of railroad property.

XYZ Railroad	
Minnesota miles of track	$\frac{100}{500} = 20\%$
Total miles of track	500
Minnesota ton miles of revenue freight	$\frac{2,200,000}{9,000,000} = 24\%$
Total ton miles of revenue freight	9,000,000
Minnesota gross transportation revenue	$\frac{\$10,000,000}{\$40,000,000} = 25\%$
Total gross transportation revenues	\$40,000,000
Minnesota Cost of Road Property	$\frac{2,990,000}{13,000,000} = 23\%$
Total Cost of Road Property	13,000,000
	Total 92%
Minnesota Percent of Unit Value	23%
Total Unit Value (\$22,212,500) x	
Minnesota Percent (23%) =	
Minnesota Portion of Unit Value	\$5,108,875

13 MCAR § 1.0026 Adjustments for non-formula assessed property or exempt property. After the Minnesota portion of the unit value of the railroad company is determined property which is either exempt from taxation, such as pollution control equipment and personal property, or classified as non-operating will be deducted from the Minnesota portion of the unit value to the extent that it has been included in the computation of this value.

Property which has been included in the computation of the unit value but has been defined as non-operating property will be valued by the local assessor. The Minnesota portion of the unit value will be reduced by the original cost of this property. Only non-operating property located within the State of Minnesota will be eligible for this exclusion.

The railroad company shall have the responsibility to submit to the Commissioner of Revenue, in the form required by the commissioner, such schedules of non-operating property as he may require.

In addition to non-operating property which will be valued and assessed locally a deduction from the Minnesota portion of the unit value will be made for personal property. The unit value method presupposes that the value of any one portion of the unit is interdependent upon all other elements of the unit; therefore, it is extremely difficult to make a separation of this value into real and personal property.

A percentage of the Minnesota portion of the unit value after deducting non-operating and exempt property will be excluded as personal property. This percentage will be computed in the following way:

The following I.C.C. accounts for property within Minnesota will be totaled:

That portion of coal and ore wharves determined to be personal property less applicable depreciation;

Communication equipment less applicable depreciation;

Roadway machines less applicable depreciation;

Shop machinery less applicable depreciation;

Power plant machines less applicable depreciation;

Equipment, allocated to Minnesota on the basis of car and locomotive miles in Minnesota compared to total system car and locomotive miles, less applicable depreciation.

The total of these accounts will then be divided by the total of the Minnesota road, equipment, leased property, general expenditures, construction work in progress, and other elements of investment accounts; all less applicable depreciation. The resulting percentage will be used to determine the personal property amount of the Minnesota portion of the unit value. This portion will not be taxable for ad valorem purposes.

The following is an illustration of the computation for the personal property exclusion.

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PROPOSED RULES

XYZ Railway			
Personal Property Account	Amount in Minnesota	Depreciation	Net Amount in Minnesota
Coal & Ore Wharves	\$ 500,000	\$ 250,000	\$ 250,000
Communication Equip.	100,000	50,000	50,000
Roadway Machines	200,000	100,000	100,000
Shop Machinery	100,000	50,000	50,000
Power Plant Machinery	500,000	203,000	297,000
Equipment*	2,250,000	1,250,000	1,000,000
			1,747,000
*Total Equipment Account	\$9,000,000		
Car and Locomotive Miles in Minnesota	1,000,000		
Total Car and Locomotive Miles	4,000,000		
Ratio of Minnesota to Total		25%	
Minnesota Allocated Equipment Account	\$2,250,000		

XYZ Railway			
Cost Account	Amount in Minnesota	Depreciation	Net Amount in Minnesota
Road	\$2,990,000	\$1,400,000	\$1,590,000
Equipment	2,250,000	1,250,000	1,000,000
C.W.I.P.	800,000	—	800,000
General Expenditures	500,000	250,000	250,000
			\$3,640,000
Minnesota Depreciated Personal Property Accounts			\$1,747,000
Minnesota Depreciated Cost			\$3,640,000
Ratio of Personal Property to Cost			48%
Minnesota portion of unit value		5,108,875	
Personal Property exclusion at 48%		2,452,260	
Taxable Minnesota Portion of Unit Value		\$2,656,615	

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has

been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Public Welfare Bureau of Social Services Adopted Temporary Rules Governing Subsidized Adoption

The proposed temporary rule 12 MCAR § 2.200 (DPW 200a) published at *State Register*, Volume 4, Number 29, p. 1164, January 21, 1980 (4 S.R. 1164) was adopted on March 5, 1980, approved by the Office of the Attorney General on March 13, 1980 and filed with the Secretary of State on March 20, 1980, with the following amendments:

Amendments as Adopted

C.4.d. When determining the amount of subsidy, the placing agency shall consider the financial resources, social security and veterans benefits health insurance coverage, medical assistance programs, and other resources available or which may be available to the child.

(1) Maintenance payments may be provided when it is necessary to ensure the adoption of a child. The placing agency shall refer to DPW Rule 44, 12 MCAR 2.044, to determine the amount of a child's monthly maintenance needs for food, shelter, ~~and~~ clothing, allowances, supplies, and transportation. The total monthly maintenance needs may be less than, equal to or more than the basic rate. Amounts greater than the basic rate shall be set according to the difficulty of care standards and the need for the greater amount shall be documented.

(2) The placing agency shall determine the medical, dental, surgical, psychiatric, and psychological expenses ~~and other costs~~ necessary for the child's care and well-being. In determining the costs the placing agency shall identify the child's circumstances or conditions that require subsidy. The placing agency shall:

(a) Document the kind and amount of health insurance or other financial resources available to meet the needs of the child.

(b) Document the actual or estimated expenses for medical, dental, surgical, psychiatric, and psycho-

logical ~~or other~~ needs of the child which are not covered by health insurance and/or other alternative financial or medical resources.

(3) The placing agency shall determine whether other costs not included in (1) and (2) of this section are necessary for the child's care and well-being. The placing agency shall specify the child's needs and document the actual or estimated expenses required to meet that need.

~~(3)~~ (4) The agency record and the subsidy agreement shall include all relevant facts upon which subsidy payments are based, the amount and frequency of payments. If the amount and frequency of payments are unknown, estimates and the basis for them shall be included.

C.4.e. The placing agency shall prepare in writing the Subsidized Adoption Agreement clearly setting forth the responsibilities of all the parties and the terms and duration of the agreement.

(1) The agreement shall state the responsibilities of the parties as follows:

(a) The adoptive parent(s), or in the event of death or inability to function as parent(s), the subsequent guardian or conservator, shall agree to:

(i) Submit to the commissioner a notarized affidavit each year ~~on~~ within thirty (30) days of the anniversary date of the approved agreement to certify whether the child remains under their care and the need for subsidy continues to exist.

(ii) Notify the commissioner within thirty (30) days in the event of change in status and its effect on the expenses covered by the subsidy:

(aa) Marriage of child or parent.

(bb) The child's absence from the home by court action or for any reason for a period of more than thirty (30) days.

(cc) Death of child or parent.

(dd) Legal emancipation of the child.

(iii) Notify the commissioner within thirty (30) days of any change which may affect the duration or amount of the subsidy needed.

(iv) Notify the commissioner within thirty (30) days of a change in address to ensure proper mailing of payments.

(v) Participate in and use health insurance and financial programs available for the child.

(vi) Notify the commissioner at least

thirty (30) days before a planned medical or special expense is incurred to ensure prompt payment after expense statements are submitted to the commissioner. ~~of anticipated large or unusual expenses to obtain prior authorization.~~

(vii) Notify the commissioner soon after an emergency of the anticipated cost so that the commissioner may begin to budget for that expense.

~~(vii)~~ (viii) Submit expense statements to the commissioner to receive subsidy payments for incurred costs over and above agreed upon monthly payments, but within the parameters of the agreement.

Department of Transportation Technical Services Division Adopted Rules Governing Weight Limitations on Interstate Highways & Designated Routes

The rules proposed and published at *State Register*, Volume 4, Number 19, pp. 775-782, November 12, 1979 (4 S.R. 775) were adopted with the following amendments as drawn below on the 7th day of March, 1980; approved by the Office of the Attorney General on March 24, 1980, and filed with the Office of the Secretary of State on March 24, 1980.

Richard P. Braun
Commissioner

Rules as Adopted (for Calendar Year 1980)

14 MCAR § 1.5050 Weight limitations on interstate highways and designated routes.

A. Purpose. The purpose of this rule is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minn. Stat. § 169.832 with reference to the establishment of weight limitations on interstate highways and designated routes in Minnesota.

B. Scope. The scope of this rule is intended to be confined within the framework of and consistent with Minn. Stat. § 169.832.

C. Jurisdiction and effect. This rule is adopted by the Commissioner of Transportation as the means to designate certain streets or highway routes, or segment of a route, to carry the gross weights permitted under Minn. Stat. § 169.832.

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ADOPTED RULES

Trunk Highways*

- T.H. 1—From west state border to Jct. T.H. 32.
- T.H. 2—In its entirety from west state border to Jct. T.H. 61 (I-35). FROM JCT. I-35 IN DULUTH TO ARROWHEAD BRIDGE.
- T.H. 3—From Jct. T.H. 65 to Jct. T.H. 55.
FROM JCT. T.H. 110 TO T.H. 212.
- T.H. 4—From Jct. T.H. 14 north to Jct. T.H. 68.
- T.H. 5—From west Jct. T.H. 19 to T.H. 212.
From Jct. T.H. 41 to I-494.
FROM JCT. I-494 TO MISSISSIPPI RIVER.
From Mississippi River to T.H. 61 (Mounds Boulevard).
- T.H. 6—From Jct. T.H. 18 to east Jct. T.H. 210.
- T.H. 7—From Jct. T.H. 12 east to Jct. T.H. 15.
FROM T.H. 15 TO JCT. I-494.
From Jct. I-494 to Jct. T.H. 100.
- T.H. 8—From Jct. I-35 to east state line (St. Croix River).
- T.H. 9—From Jct. T.H. 29 to Jct. T.H. 59.
- T.H. 10—FROM WEST STATE LINE TO BECKER COUNTY C.S.A.H. 10 (FRAZEE)
From C.S.A.H. 10 Becker County (Frazee) to Anoka.
From Jct. T.H. 47 to Jct. I-694.
- T.H. 12—From west state line to north Jct. T.H. 7 (Ortonville).
From Jct. T.H. 59 to Jct. T.H. 100.
FROM T.H. 280 TO I-694.
FROM I-694 TO WISCONSIN.
- T.H. 13—From Jct. I-90 (Albert Lea) to west Jct. T.H. 19.
From Jct. T.H. 282 northeast to Jct. T.H. 101.
FROM JCT. T.H. 101 TO I-35W.
- T.H. 14—From Jct. T.H. 75 to 2 miles west of I-35.
FROM I-35 WEST TO 24TH AVENUE NORTHWEST IN OWATONNA.
From Jct. I-35 to Jct. T.H. 218 (Havana).
From Jct. T.H. 56 to Jct. T.H. 57 (Kasson).
FROM JCT. T.H. 57 (KASSON) TO JCT. T.H. 52.
From Jct. T.H. 52 to Jct. T.H. 61.
- T.H. 15—From Jct. I-90 to Jct. T.H. 257.
- T.H. 16—From Jct. I-90 to east Jct. T.H. 52.
From Jct. T.H. 44 to Jct. T.H. 61.
- T.H. 18—From Jct. T.H. 210 to north Jct. T.H. 169.
From south Jct. T.H. 47 to north Jct. T.H. 47.
From Finlayson to east Jct. T.H. 23.
- T.H. 19—From Jct. T.H. 59 to Jct. ~~T.H. 14~~ T.H. 22.
- T.H. 21—From south Jct. T.H. 13 to Jct. 169.
- T.H. 22—From Jct. T.H. 109 to Jct. T.H. 14.
From Jct. T.H. 212 to Jct. T.H. 55.
- T.H. 23—From Jct. T.H. 269 to north Lyon County Line.
From Granite Falls to T.H. 55.
FROM T.H. 55 IN PAYNESVILLE TO I-94.
From Jct. I-94 to south Jct. I-35.
From north Jct. I-35 to Jct. T.H. 123.
- T.H. 24—From Jct. I-94 to Jct. T.H. 10.
- T.H. 25—From south Jct. T.H. 5 to Norwood.
FROM I-94 TO SHERBURNE COUNTY C.S.A.H. 11.
From Sherburne C.S.A.H. 11 to north Jct. T.H. 10.
From Jct. T.H. 18 to Merrifield.
- T.H. 27—From Jct. T.H. 75 to Jct. T.H. 9.
From Jct. T.H. 29 to Jct. T.H. 127.
From south Jct. T.H. 71 to Jct. T.H. 25.
From north Jct. T.H. 47 to Jct. T.H. 65.
From I-35 to Jct. T.H. 73 (Moose Lake).
- T.H. 28—From west state line to south Jct. T.H. 9.
From Morris to Cyrus.
FROM 5TH STREET NORTHWEST IN GLENWOOD TO JCT. I-94.
- T.H. 29—From Jct. T.H. 212 to Jct. T.H. 7.
FROM JCT. I-94 TO ITS NORTH JCT. WITH T.H. 27 (ALEXANDRIA)
~~From North Jct. T.H. 27 to Parkers Prairie.~~
- T.H. 30—From Jct. T.H. 75 to north Jct. T.H. 59.
From Jct. T.H. 4 to south Jct. T.H. 15.
- T.H. 33—From Jct. I-35 to Jct. T.H. 53.
- T.H. 34—From Osage to Jct. T.H. 371.
- I-35 —CONTINUOUS FROM IOWA BORDER TO 1.0 MILE NORTH OF JCT. WITH I-535 IN DULUTH. INCLUDES I-35W and I-35E FROM DOWNTOWN ST. PAUL TO VICINITY OF FOREST LAKE.
- T.H. 36—FROM JCT. I-35W TO T.H. 212 NEAR STILLWATER.
- T.H. 37—In its entirety.
- T.H. 40—From west state line to Jct. T.H. 75.
- T.H. 41—From Jct. T.H. 169 to Jct. T.H. 212.
From Jct. T.H. 5 to Jct. T.H. 7.
- T.H. 44—From west Jct. T.H. 52 to Jct. T.H. 16.
- T.H. 47—FROM JCT. T.H. 10 IN ANOKA TO 2 MILES SOUTH OF JCT. I-694.
From south Jct. T.H. 27 to north Jct. T.H. 18.
- T.H. 49—From Jct. T.H. 3 to north Jct. T.H. 55.

*Explanatory Note: Both the 12 month and seasonal routes are listed together with the distinction between the two being upper and lower case type. The 12 month routes are all upper case letters. The seasonal routes utilize both upper and lower case letters. The routes are listed in numerical order and read geographically from west to east and from south to north.

ADOPTED RULES

- T.H. 51—FROM I-94 TO I-694.
FROM WEST 7TH STREET IN ST. PAUL TO I-94 (SNELLING AVENUE FROM I-94 TO MONTREAL AVENUE, THEN MONTREAL AVENUE FROM SNELLING AVENUE TO WEST 7TH STREET).
- T.H. 52—From south state line to I-90.
FROM JCT. I-90 TO OLMSTED COUNTY ROAD 14, 5 MILES NORTH OF WEST JCT. T.H. 14 IN ROCHESTER.
From Olmsted County Road 14 to Jct. T.H. 3.
FROM PLATO BOULEVARD TO WEST CITY LIMITS OF ST. PAUL.
FROM JCT. T.H. 100 TO NORTH JCT. 152 (OSSEO).
From Jct. I-94 (Vic. St. Cloud) to north Jct. T.H. 152.
- T.H. 53—From Jct. I-35 (Duluth) to south Jct. T.H. 169 (Virginia).
- T.H. 55—From Jct. T.H. 29 to Brooten.
FROM 6.5 MILES WEST OF JCT. T.H. 71 (BROOTEN) TO JCT. T.H. 23.
From Jct. T.H. 23 to Jct. T.H. 22.
FROM JCT. T.H. 22 (EDEN VALLEY) TO 1½ MILES EAST OF T.H. 100.
FROM EAST 24TH STREET IN MINNEAPOLIS TO JCT. T.H. 5.
From Jct. T.H. 5 to Jct. ~~I-35E~~ T.H. 110.
From Jct. T.H. 110 to Jct. T.H. 61.
- T.H. 56—From Adams to Jct. T.H. 30.
From Jct. T.H. 52 (Hampton) to Jct. T.H. 3.
- T.H. 57—From Jct. T.H. 14 to Jct. T.H. 60.
- T.H. 59—From south Jct. T.H. 30 to Jct. T.H. 23.
From Jct. T.H. 67 to Jct. T.H. 12.
From south Jct. T.H. 9 to north Jct. T.H. 28.
FROM SOUTH JCT. I-94 TO SHERIDAN AVENUE IN FERGUS FALLS. In Fergus Falls from Sheridan Avenue to north Jct. T.H. 210.
FROM NORTH JCT. I-94 TO JCT. T.H. 10
From Jct. T.H. 10 to Jct. T.H. 2.
From Jct. T.H. 1 to north state line.
- T.H. 60—From south state line to east Jct. T.H. 14.
From Jct. T.H. 57 to north Jct. T.H. 52.
- T.H. 61—From Jct. T.H. 16 to I-90.
FROM NORTH JCT. I-90 TO 1 MILE NORTH OF T.H. 60 AT WABASHA.
FROM HASTINGS TO JCT. I-94.
FROM JCT. T.H. 212 (EAST 7TH STREET) TO SOUTH JCT. T.H. 96.
From south Jct. T.H. 96 to Jct. T.H. 8.
FROM END OF I-35 (DULUTH) TO LAKE COUNTY ROAD 2 (TWO HARBORS).
- T.H. 63—From south state line to Jct. T.H. 56.
From Jct. T.H. 16 to Jct. I-90.
FROM JCT. WITH I-90 TO JCT. T.H. 52.
- T.H. 65—From south state line to south Jct. I-35.
FROM SOUTH JCT. I-35 (SOUTH OF ALBERT LEA) TO 2.3 MILES NORTH.
From 2.3 miles north of south Jct. I-35 to north Jct. I-35.
From Jct. I-694 to south Jct. T.H. 27.
From Pengilly to north Jct. T.H. 169.
- T.H. 67—From west Jct. T.H. 19 to Jct. T.H. 68.
- T.H. 68—From Jct. T.H. 23 to east Jct. T.H. 19.
From Jct. T.H. 67 to north Jct. T.H. 15.
- T.H. 71—From Jct. I-90 to Jct. I-94.
FROM JCT. I-94 NORTH TO NORTH 4TH STREET IN SAUK CENTRE.
From Jct. 4th Street North in Sauk Centre to Browerville.
From Jct. T.H. 10 to Jct. T.H. 34.
From Jct. T.H. 2 to Jct. T.H. 72 in Blackduck.
- T.H. 73—From Jct. I-35 to Jct. T.H. 27 (Moose Lake).
From south Jct. T.H. 169 to north Jct. T.H. 169 (Hibbing).
- T.H. 74—FROM JCT. I-90 NORTH TO JCT. T.H. 14 IN ST. CHARLES.
- T.H. 75—From south state line to Canadian border.
- T.H. 79—Elbow Lake to I-94.
- T.H. 87—From south Jct. T.H. 71 to north Jct. T.H. 71.
- T.H. 89—From Jct. T.H. 2 to south Jct. T.H. 1.
- I-90 —FROM WEST BORDER TO EAST BORDER.
- I-94 —CONTINUOUS FROM NORTH DAKOTA BORDER TO I-694 EAST OF ST. PAUL (INCLUDES YET TO BE CONSTRUCTED SEGMENT AT LYNDALE AVENUE LOCATION IN MINNEAPOLIS).
- T.H. 95—From Jct. T.H. 169 to Jct. I-35.
FROM SOUTH JCT. T.H. 212 TO JCT. T.H. 12.
- T.H. 96—From Jct. I-35W to Jct. T.H. 61.
- T.H. 100—FROM I-494 TO T.H. 52.
- T.H. 101—FROM JCT. T.H. 13 TO JCT. T.H. 169 IN SHAKOPEE.
From south Jct. T.H. 169 to Jct. T.H. 212 and 169.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike-outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

ADOPTED RULES

- FROM JCT. T.H. 152 TO JCT. T.H. 169 (ELK RIVER).
- T.H. 109—From Jct. T.H. 22 to Jct. I-90.
- T.H. 110—FROM JCT. ~~T.H. 3~~ T.H. 55 TO T.H. 56 WEST.
- T.H. 127—From Jct. I-94 to Jct. T.H. 27.
- T.H. 135—From Jct. T.H. 53 to Aurora.
- T.H. 152—FROM JCT. T.H. 52 IN OSSEO TO JCT. T.H. 101 (DAYTON).
From Jct. I-94 to Rogers.
- T.H. 169—From south state line to Jct. T.H. 21 (Jordan).
FROM JCT. T.H. 21 (JORDAN) TO JCT. T.H. 101 (SHAKOPEE).
From south Jct. T.H. 101 to Jct. T.H. I-494.
FROM JCT. I-494 TO T.H. 100.
From south Jct. T.H. 52 to Jct. T.H. 23.
From south Jct. T.H. 27 to west Jct. T.H. 210.
From Jct. T.H. 200 to south Jct. T.H. 53.
- T.H. 200—From west state line to Jct. T.H. 9.
From north Jct. T.H. 371 to south Jct. T.H. 371.
- T.H. 201—From Jct. T.H. 10 to Jct. T.H. 169 (Elk River).
- T.H. 210—FROM JCT. I-94 EAST TO ST. ANDREWS STREET SOUTH IN FERGUS FALLS.
In Fergus Falls from St. Andrews south to Sheridan Avenue.
From west Jct. T.H. 10 to I-35.
- T.H. 212—From west state line to Granite Falls.
From west Jct. T.H. 71 to Jct. T.H. 41.
From Carver County Road 10 (Walnut Street—Chaska) to Jct. T.H. 41.
From Jct. T.H. 101 to Jct. I-494.
(EAST 7TH STREET) FROM T.H. 52 (ROBERT STREET) EAST TO EAST MINNEHAHA AVENUE.
FROM JCT. T.H. 36 (NEAR STILLWATER) TO JCT. T.H. 95.
- T.H. 218—From south state line to 1¼ miles south of Jct. I-90.
FROM 1¼ MILES SOUTH OF I-90 TO EAST JCT. I-90.
FROM WEST JCT. I-90 TO 2 MILES NORTH.
From 2.0 miles north of Jct. I-90 to Jct. T.H. 14.
- T.H. 226—From Jct. T.H. 34 into Dorset.
- T.H. 231—From west state line to I-94 (Moorhead).
- T.H. 268—From Jct. T.H. 75 into Edgerton.
- T.H. 270—From Hills to Jct. T.H. 75.
- T.H. 280—FROM JCT. I-94 TO JCT. T.H. 36.
- T.H. 282—From Jct. T.H. 169 to Jct. T.H. 13.
- T.H. 322—From Jct. T.H. 371 to Jct. T.H. 18.
- T.H. 324—FROM I-35 TO ITS JCT. WITH T.H. 361 IN PINE CITY.
- T.H. 329—From T.H. 59 for ¾ mile east into University of Morris experimental station.
- T.H. 361—From I-35 to Rush City.
- T.H. 371—From Jct. T.H. 10 to Jct. T.H. 2.
- I-494 —FROM JCT. I-94 (FISH LAKE) TO PRESENT END OF I-494 AT TWIN CITY INTERNATIONAL AIRPORT.
FROM T.H. 56 TO JCT. I-94 EAST OF ST. PAUL.
- I-535 —IN DULUTH FROM I-35 TO WISCONSIN.
- I-694 —FROM JCT. I-94 (BROOKLYN CENTER) TO JCT. I-94 EAST OF ST. PAUL.
- City Streets
- Albert Lea —MARGARETHA AVENUE FROM T.H. 65 SOUTH TO 13TH STREET AND 13TH STREET EAST TO ITS TERMINI.
- Anoka —MSAS 9th Avenue from T.H. 242 to Hoffman Engineering.
MSAS Tyler Street from 7th Avenue to Federal Cartridge.
- Blaine —85TH AVENUE FROM I-35W TO 3601 (TRUCK TERMINAL IN THE CITY OF BLAINE).
- Cyrus —From 2 blocks south of Jct. of T.H. 28 and CSAH 3 on Dahl Street to T.H. 28.
- Detroit Lakes—RANDOLPH ROAD FROM GABOR TERMINAL TO ROOSEVELT AVENUE; THEN ROOSEVELT AVENUE SOUTH TO T.H. 10.
- Fergus Falls —DOUGLAS AVENUE FROM T.H. 59 TO T.H. 210.
SHERIDAN AVENUE FROM T.H. 59 AND 210 NORTH, TO WASHINGTON AVENUE, WEST ON WASHINGTON AVENUE ONE BLOCK TO SHERMAN STREET, THEN SOUTH ONE BLOCK ON SHERMAN STREET TO JUNIUS AVENUE.
FROM T.H. 210 SOUTH ON ST. ANDREWS STREET TO WEST LINCOLN AVENUE, WEST ON WEST LINCOLN AVENUE TO SEWAGE PLANT ROAD, THEN SOUTH ON SEWAGE PLANT ROAD TO CENTRAL BY-PRODUCTS PLANT.
- Glenwood —JUNCTION OF T.H. 28 AND MINNESOTA AVENUE TO NORTH LAKESHORE DRIVE, THEN NORTH LAKESHORE DRIVE TO THE WEST CORPORATE LIMITS OF GLENWOOD.
- Minneapolis —18TH AVENUE N.E. FROM ARTHUR STREET N.E. TO NEW BRIGHTON BOULEVARD (T.H. 8).

ARTHUR STREET N.E. FROM 18TH AVENUE N.E. TO NEW BRIGHTON BOULEVARD (T.H. 8).

STINSON BOULEVARD FROM 18TH AVENUE N.E. TO BROADWAY STREET N.E.

I-35W NORTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 8).

I-35W SOUTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 8).

BROADWAY STREET N.E. FROM ARTHUR STREET N.E. TO MINNEAPOLIS EAST CITY LIMITS.

ARTHUR STREET N.E. FROM SUMMER STREET N.E. TO BROADWAY STREET N.E.

TAFT STREET N.E. FROM KENNEDY STREET N.E. TO BROADWAY STREET N.E.

INDUSTRIAL BOULEVARD N.E. FROM BROADWAY STREET N.E. TO I-35W.

NEW BRIGHTON BOULEVARD FROM I-35W NORTH FRONTAGE ROAD TO SOUTH FRONTAGE ROAD.

T.H. 55 (HIAWATHA AVENUE) FROM EAST 24TH STREET TO MINNEAPOLIS SOUTH CITY LIMITS.

CEDAR HIGHWAY FROM EAST 24TH STREET TO MINNEHAHA AVENUE.

CEDAR AVENUE FROM I-94 EXIT RAMP TO MINNEHAHA AVENUE.

MINNEHAHA AVENUE FROM I-94 TO EAST 26TH STREET.

EAST 26TH STREET FROM MINNEHAHA AVENUE TO 26TH AVENUE SOUTH.

26TH AVENUE SOUTH FROM EAST 26TH STREET TO EAST 27TH STREET.

Moorhead —1ST AVENUE NORTH FROM 8TH STREET NORTH TO T.H. 10.

Morris —Pacific Avenue From T.H. 59 to Park Avenue.

New Ulm —Front Street from 8th North Street to Center Street, then Center Street from Front Street to Valley Street, then south Valley Street from Center Street to First South Street.

Owatonna —Park Drive from County Road 75 (24th Avenue N.W.) to Railroad Tracks.

Pine City —SEVENTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE WEST, FROM 4TH AVENUE WEST TO 3RD AVENUE WEST, FROM 2ND AVENUE WEST TO RIVER.

FOURTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE EAST, 5TH AVENUE EAST TO 3RD AVENUE EAST.

THIRD STREET FROM 3RD AVENUE EAST TO RIVER.

SECOND STREET FROM 3RD AVENUE EAST TO 2ND AVENUE EAST.

FIRST AVENUE EAST FROM CSAH 61 TO RAILROAD TRACKS.

SECOND AVENUE WEST FROM 7TH STREET TO CSAH 61.

SECOND AVENUE EAST FROM CSAH 61 TO SECOND STREET.

THIRD AVENUE WEST FROM 7TH STREET TO CSAH 61.

THIRD AVENUE EAST FROM CSAH 61 TO 2ND STREET.

FOURTH AVENUE WEST FROM 7TH STREET TO CSAH 61.

EIGHTH AVENUE WEST FROM 7TH STREET TO CSAH 61.

EIGHTH AVENUE EAST FROM CSAH 61 TO 4TH STREET.

HILLSIDE AVENUE FROM CSAH 61 TO FOURTH STREET.

Rose Creek —3rd Street.

St. Paul —DALE STREET FROM GRAND AVENUE TO LARPENTEUR AVENUE.

PLATO BOULEVARD FROM WATER STREET TO FILLMORE AVENUE.

CHESTER STREET FROM T.H. 3 TO PLATO BOULEVARD.

NORTH CLEVELAND AVENUE FROM UNIVERSITY AVENUE SOUTH TO WABASH AVENUE, THEN WABASH AVENUE ON NORTH CLEVELAND TO VANDALIA STREET, THEN VANDALIA STREET TO I-94.

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ADOPTED RULES

EAST SEVENTH STREET FROM EAST MINNEHAHA AVENUE TO ATLANTIC STREET, THEN ATLANTIC STREET NORTH TO RAILROAD TRACKS.

WACOUTA STREET FROM I-94 TO FIFTH STREET, THEN FIFTH STREET FROM WACOUTA STREET TO BROADWAY.

SHEPARD ROAD FROM T.H. 5 TO WARNER ROAD. THEN WARNER ROAD FROM ITS INTERSECTION WITH SHEPARD ROAD TO T.H. 61.

ELWAY STREET FROM SHEPARD ROAD TO MONTREAL AVENUE.

THEN MONTREAL AVENUE FROM ELWAY STREET TO STEWART AVENUE. THEN STEWART AVENUE TO TEXACO TERMINAL.

MINNEHAHA AVENUE WEST FROM DALE STREET TO ARUNDEL STREET.

OTTO AVENUE FROM SHEPARD ROAD TO WEST 7TH STREET.

WHITE BEAR AVENUE FROM I-94 TO EAST MINNEHAHA AVENUE.

EAST MINNEHAHA AVENUE FROM WHITE BEAR AVENUE TO BIRMINGHAM STREET.

CHILDS ROAD FROM WARNER ROAD TO THE SOUTHERLY LIMITS OF CHILDS ROAD.

MOUNDS BOULEVARD FROM I-94 TO EAST SEVENTH STREET.

SNELLING AVENUE (T.H. 51).

Sauk Centre —4th Street north from T.H. 71 to 331 north 4th Street.

Wells —Broadway Avenue from T.H. 109 south to 7th Street S.E.

Worthington —Oxford Street from T.H. 60 to T.H. 266.

County Roads

Anoka —CSAH 23 (Naples Street) from CSAH 32 to County Road 105.

County Road 102 (57th Avenue) from T.H. 47 to Main Street (County Road 102).

County Road 102 (Main Street) from 57th Avenue to CSAH 2 (44th Avenue).

CSAH 32 (85th Avenue) from 3601 85th Avenue to 3701 85th Avenue.

CSAH 7 (7th Avenue) from T.H. 10 to Tyler Street (in Anoka).

T.H. 242 (Main Street) from T.H. 10 to 9th Avenue (in Anoka).

Becker —CSAH 10 CONNECTIONS TO T.H. 10.
CSAH 10 from T.H. 10 west of Frazee to T.H. 10 east of Frazee.

Clay —CSAH 11 FROM T.H. 10 TO TRUCK STOP ½ MILE SOUTH OF I-94.

Douglas —CSAH 41 FROM I-94 TO ITS JCT. WITH CSAH 82.

CSAH 82 FROM CSAH 41 TO ITS JCT. WITH T.H. 29 IN ALEXANDRIA.

Hennepin —CSAH 1 (OLD SHAKOPEE ROAD)—FROM NESBITT AVENUE TO FAI 35W

CSAH 3 (EXCELSIOR BLVD.)—FROM CSAH 18 TO T.H. 100

CSAH 10 (BASS LAKE ROAD)—FROM FAI 494 TO CSAH 156

CSAH 15 (SHORELINE BLVD.)—FROM CSAH 110 TO CSAH 19

CSAH 18—FROM FAI 494 TO T.H. 7

CSAH 18—FROM CSAH 10 TO FAI 94

CSAH 19—FROM T.H. 7 TO CSAH 15

CSAH 20 (BLAKE ROAD)—FROM CSAH 3 TO T.H. 7

CSAH 34 (NORMANDEALE BLVD.)—FROM CSAH 1 (OLD SHAKOPEE ROAD) TO FAI 494

CSAH 109 (85TH AVENUE NORTH)—FROM CSAH 18 TO T.H. 52

CSAH 156 (WINNETKA AVENUE)—FROM CSAH 9 TO CSAH 10

McLeod —COUNTY ROAD 90 FROM T.H. 7 TO 1¼ MILES SOUTH.

CSAH 9 Plato to T.H. 212.

County Road 81 in Glencoe.

Pine —CSAH 61 FROM JCT. OF T.H. 361 AND T.H. 324 TO ITS JCT. WITH CSAH 11 IN PINE CITY.

COUNTY ROAD 55 FROM CSAH 61 TO INDUSTRIAL PARK—PINE CITY.

CSAH 8 FROM CSAH 61 TO EAST 2ND STREET.

Ramsey —COUNTY ROAD D (CSAH 19) FROM OLD T.H. 8 TO I-35W IN RAMSEY COUNTY.

OLD HIGHWAY 8 (CSAH 77) FROM COUNTY ROAD D TO FIRST STREET SOUTHWEST IN RAMSEY COUNTY.

CLEVELAND AVENUE (CSAH 46) FROM COUNTY ROAD C TO COUNTY ROAD C-2 IN RAMSEY COUNTY.

ADOPTED RULES

- COUNTY ROAD C (CSAH 23) FROM WALNUT STREET TO PRIOR AVENUE IN RAMSEY COUNTY.
- Sherburne —CSAH 11 from T.H. 25 to T.H. 10.
- Steele —CSAH 1 (North Street) from CSAH 45 (Hoffman Drive) east to CSAH 1 (North Cedar) in Owatonna.
- CSAH 1 (North Cedar) from CSAH 1 (North Street) north to 11th Street in Owatonna.
- CSAH 8 (Grove Street) from CSAH 19 (Rose Street) north and east to Cherry Street in Owatonna.
- CSAH 9 from I-35 Exit #45 east to CSAH 45. CSAH 19 (Rose Street) from CSAH 45 (Hoffman Drive) east to CSAH 8 (Grove Street) in Owatonna.
- CSAH 25 (Bridge Street) from CR 75 (24th Avenue N.W.) east to I-35 In Owatonna.
- CSAH 34 from I-35 Exit #43 east to CSAH 45.
- CSAH 45 from North Steele County Line to T.H. 14 (Hoffman Drive in Owatonna).
- CSAH 45 (Cedar and Oak Streets) from T.H. 218 and 14 Exit North to Pearl Street in Owatonna.
- CSAH 45 (Hoffman Drive) from T.H. 14 in Owatonna south to CSAH 19 (Rose Street).
- CSAH 48 (Main Street) from T.H. 218 and 14 north and west to CSAH 45 (Oak Avenue) in Owatonna.
- CR 75 (24th Avenue N.W.) from T.H. 14 south to CSAH 25 (Bridge Street) in Owatonna.
- Stevens —CSAH 13 Chokio only.
- CSAH 9 Alberta only.
- Traverse —CSAH 4 Browns Valley only.
- Waseca —CSAH 3 from Waldorf to Jct. T.H. 14.
- CSAH 9 from west county line to CSAH 3.
- CSAH 12 from CSAH 1 to T.H. 13.
- CSAH 2 from County Road 53 to T.H. 14.
- CSAH 53 from CSAH 2 to CSAH 5.
- CSAH 5 from County Road 53 to CSAH 30.
- CSAH 30 from CSAH 5 to T.H. 13.
- Washington —CSAH 22 FROM T.H. 61 TO JCT. WITH CSAH 38.
- CSAH 38 FROM JCT. WITH CSAH 22 TO JCT. WITH I-494.
- Winona —County Road 23 from Jct. T.H. 14 to the Jct. T.H. 61 (Minnesota City).



FORT RIDGELY on the north bank of the Minnesota River below Morton was the scene of two big battles during the Indian uprising of 1862. James G. McGrew, a soldier who helped defend the post that year, depicted one of the battle scenes in this oil painting. (Courtesy of the Minnesota Historical Society)

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SUPREME COURT

Decisions Filed Friday, April 4, 1980

Compiled by John McCarthy, Clerk

50062/Sp. Mark E. Bufkin, Appellant, Clyde E. Bufkin, Plaintiff, vs. City of Duluth and Arena Auditorium Administration Board. St. Louis County.

With respect to maintenance of sidewalks leading to and from the entrance to a municipally owned arena auditorium complex, the duty of care required of the municipality and the administrative board charged with operating the complex is the same as that imposed on an individual who owns and operates a similar enterprise.

Reversed. Otis, J.

50176/25 Granite Falls Municipal Hospital and Manor Board, Appellant, vs. State of Minnesota, Department of Veterans Affairs. Ramsey County.

A hospital administrator is the head of a department if the duties imposed on him by state regulations, municipal ordinance, and hospital by-laws require that he operate the institution. He is therefore not entitled to invoke the provisions of the Veterans Preference Act when his employment is terminated, notwithstanding the fact that functions properly assigned to the administrator may have been assumed by board members.

Reversed. Otis, J.

49531/399 James W. McShane, et al, vs. City of Faribault, et al, Appellants, County of Rice, et al, Appellants. Rice County.

In the circumstances of this case, where a variance would afford inadequate and inappropriate relief from the restrictions imposed by an airport zoning ordinance, plaintiffs were not required to seek a variance as a prerequisite to challenging the ordinance in court.

Where a zoning regulation is adopted for the benefit of a governmental enterprise rather than in furtherance of a comprehensive land use plan, the correct standard for determining if the regulation effects a taking of private property in contravention of U.S. Const. amend. V and Minn. Const. art. 1, § 13, is whether there has been a substantial diminution in the value of the affected property as a result of the regulation.

On the facts of this case, an ordinance passed to regulate the use of land beneath airport approach zones in the interest of safety did result in a taking of plaintiffs' property for which compensation would be required.

Where there is no evidence of irreversible damage already done to the value of plaintiffs' property by the zoning ordinance, mandamus to compel the city to initiate eminent domain proceedings is not the appropriate remedy for the taking. Rather, enforcement of the ordinance should be enjoined pending decision by the city and the zoning authority to withdraw the ordinance or to proceed in eminent domain.

Because an action to compel eminent domain is not the appropriate remedy here, plaintiffs are not entitled to an award of attorneys' and experts' fees under Minn. Stat. § 117.045 (1978).

Reversed and remanded with instructions. Peterson, J. Concurring in part, dissenting in part, Wahl and Yetka, JJ.

48767, 48983, 48768/86 (1979) John S. Logan, et al., vs. 48767 and 48983 Harold J. Panuska, et al., Appellants, and Arthur Russell Krueger, Jr., et al., Appellants, vs. 48768 Harold J. Panuska. Hennepin County.

Equitable estoppel is a defense to an action for rescission under the Minnesota Blue Sky Law, Minn. St. 1971, c. 80.

A directed verdict was proper where, under the evidence viewed most favorably to the plaintiffs, and the inferences to be drawn from it, a verdict against the defendant would not reasonably be sustained.

Krueger v. Panuska affirmed. Logan v. Panuska reversed. Kelly, J. Dissenting, Scott, J., Sheran, C. J., Wahl, J. Took no part, Todd, J.

48959, 49114, 224 (1979) Robert E. Fitzgerald, Appellant, vs. Minnesota Chiropractic Association, Inc., Clark C. Nichols, et al. Ramsey County.

Trial court properly granted defendant's motion to dismiss a defamation action where plaintiff, a public figure, failed to make a prima facie showing of actual malice. There was no evidence that defendant or the author had actual knowledge that articles about plaintiff were false or that defendant or the author entertained serious doubts as to the truth of the information published.

Affirmed. Kelly, J.

49278/507 In re Complaint Concerning Judge John T. McDonough, Judge of County Court for Washington County. Supreme Court.

Based on the peculiar facts of this case, the motion for supplemental order is granted and the Board on Judicial Standards is ordered to close its file on the "Bartholet Matter."

So ordered. Kelly, J. Took no part, Todd, Yetka and Wahl, JJ.

50325/186 Dwight Louis Shaw, petitioner, Appellant, vs. State of Minnesota. Hennepin County.

Postconviction court did not clearly err in finding that petitioner knew at the time he entered his negotiated guilty pleas that he might receive consecutive sentences and court properly refused to permit petitioner to withdraw his pleas and stand trial on the original charges.

Affirmed. Todd, J.

50089/455 In the Matter of the Application of Berton M. Atkinson, petitioner, Appellant. Hennepin County.

Any common-law or constitutional right to bear arms is not absolute and does not guarantee to individuals the right to carry loaded weapons abroad at all times and in all circumstances.

Travel for appreciable distances upon the public highways does not constitute the "personal safety hazard" required for issuance of a permit to carry a loaded handgun, within the meaning of Minn. Stat. § 624.714, subd. 5(c).

Affirmed. Wahl, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any

consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

**Department of
Administration
Office of State Building
Construction****Notice of Availability of Contracts
for Architects, Engineers, and
Landscape Architects**

The Department of Administration (DOA) intends to retain the services of qualified professionally registered architects, engineers, and landscape architects, to design, prepare construction drawings, and monitor construction of a number of projects during the year commencing July 1, 1980. These projects will be varied in nature and scope and will involve new construction, remodeling projects, and facility studies. The cost of construction or remodeling projects will be less than \$400,000 and the fees associated with facility studies will be less than \$35,000. Particular emphasis will be placed on the background and experience of the firm on similar projects as well as the firm's geographic proximity to the project.

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than ten pages giving qualifications and experience of the firm to:

George Iwan
Office of State Building Construction
Room G-10 Administration Building
St. Paul, Minnesota 55155.

Since the selection of designers will begin in advance of July 1, 1980, firms are encouraged to submit their brochures or resumes as soon as possible. Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview.

In submitting their brochures or resumes, firms shall indicate the area or areas of the list shown below in which they feel qualified.

- | | |
|------------------------------|------------------------------------|
| 1) Research and Programming | 9) Arts, including Performing Arts |
| 2) Educational | 10) Exhibition and Display |
| 3) Health and Medical | 11) Landscape and Site Planning |
| 4) Correctional | 12) Interiors |
| 5) Restoration | 13) Water and Waste Facilities |
| 6) Office and Administration | 14) Energy Supply and Distribution |
| 7) Recreational | 15) Pollution Control |
| 8) Service and Industrial | |

Names of qualified firms will be retained on file with the Department of Administration until June 30, 1981.

Designers for projects with estimated costs or fees in excess of those shown above will be selected by the State Designer Selection Board. Projects referred to the Board will be advertised through Board issued requests for proposal.

**Department of
Administration
Office of State Building
Construction**

**Notice of Availability of Contracts
for Registered Professional
Testing Services**

The Department of Administration (DOA) intends to retain the services of qualified professionally registered individuals to conduct site surveys, materials testing, and soil borings and tests during the year commencing July 1, 1980. These projects will be varied in nature and scope. The fees associated with these projects will generally be less than \$2,000, although the fees for some projects will exceed this amount.

As projects arise, it is the intention of DOA to contact firms who have expressed an interest in providing such services to the state. The final selection will be made on the basis of the background and experience of the firm, the geographic proximity of the firm to the project site, and an estimate of the fees to be charged for the specific project. Such estimates will be requested when a specific project exists.

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than ten pages outlining their background, qualifications, and fields of expertise to:

George Iwan
Office of State Building Construction
Room G-10 Administration Building
St. Paul, Minnesota 55155

Since the selection of designers will begin in advance of July 1, 1980, firms are encouraged to submit their brochures or resumes as soon as possible. Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview.

Names of qualified firms will be retained on file with the Department of Administration until June 30, 1981.

**Department of
Administration
Telecommunications
Division**

**Notice of Availability of Contract for
Technical Services in Preparing A
Study of the Feasibility of A Two-
way Microwave System**

The Department of Administration, Telecommunications Division, is seeking qualified consultants to investigate and assist in the preparing of a study to determine the feasibility of providing two-way microwave for video and audio communications between the University of Minnesota Hospital (Minneapolis Campus) and Moose Lake State Hospital and Duluth.

The tasks involve the addressing of all technical considerations and costs associated with the implementation of such a system that ultimately would be used for engineering the system.

Details of the project are contained in a Request for Proposal and are available from:

Department of Administration
Telecommunications Division
State Administration Building G-4
50 Sherburne Avenue
St. Paul, Minnesota 55155

For further information contact Robert O. Neubeck, (612) 296-7515. Estimated cost of the project should not exceed \$6,000.00. Final date for submission of proposals is 4:00 p.m., May 7, 1980.

**Department of
Administration
Telecommunications
Division**

**Revised Notice of Availability of
Contract for Legal and Technical
Services to Assist in Intrastate
Private Line Rate Proceedings**

The above-captioned notice was published in the *State Register*, Volume 4, Number 39, p. 1585, on March 31, 1980. The final submission date for completed proposals is now changed to 4:30 p.m., May 6, 1980.

Higher Education Coordinating Board

Notice of Request for Proposals for Design of Computerized Integrated Student Aids System

Proposals are being accepted from interested parties to design a computerized integrated Student Financial Aids Management System for the Division of Financial Aid of the Higher Education Coordinating Board.

The contractor selected to complete this project will assist with the general system design and provide on-going counsel during subsequent phases of detail design and implementation.

A complete request for proposal may be obtained by writing:
Mr. H. James Leskee
Director of Financial Aid
Minnesota Higher Education Coordinating Board
Suite 400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Proposals will be accepted until 4:00 p.m. May 7, 1980.

Department of Public Service Utilities Division

Notice of Request for Proposals for Consultant Services

The Minnesota Department of Public Service is seeking proposals from persons and organizations with experience in public utility ratemaking proceedings for consultant services in connection with the department's review of Northwestern Bell Telephone Company's proposed restructuring and repricing of its private line and general exchange channel offerings.

The consultant services required include:

A. Investigation of the cost methodology and proposed rate restructuring employed by Northwestern Bell for its private line service offerings.

The consultant will review testimony submitted by Northwestern Bell on these subjects, will assist in examining these witnesses, prepare and deliver testimony on these subjects, and assist in the review of documents prepared by department employees on these subjects in the course of the hearing.

The estimated amount of the contract is \$50,000.

The contracts will be let on or about June 15, 1980.

Direct any inquiries and send proposals to:

JoAnn Hanson
Department of Public Service
Seventh Floor, American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-7132

Proposals must be received by May 15, 1980.

Department of Public Welfare Chemical Dependency Program Division

Notice of Request For Proposal, for Child Abuse and Neglect Interface Training

Notice is hereby given that the Chemical Dependency Program Division, Department of Public Welfare, is soliciting proposals which address the training needs of 1) chemical dependency practitioners to identify and report child abuse and neglect; and 2) county child protective service professionals to recognize the dynamics of chemical dependency and make appropriate referrals into the chemical dependency continuum of care.

The estimated amount of the contract will not exceed \$50,000.00.

Responses must be received by May 15, 1980.

Direct inquiries to:

Mr. Larry Burzinski
Chemical Dependency Programs Division
Department of Public Welfare
658 Cedar St., 4th Fl., Centennial Office Bldg.
St. Paul, MN 55155
(612) 296-4608

Department of Public Welfare Rochester State Hospital

Notice of Request for Proposals for Services to be Performed on a Contractual Basis

Notice is hereby given that the Rochester State Hospital, Mental Health Division, Department of Public Welfare, is seeking the following services for the period of July 1, 1980 through June 30, 1981. These services are to be performed as requested by the Administration of the Rochester State Hospital.

STATE CONTRACTS

1) Services of a pathologist on an approximate one half-time basis to oversee our laboratory and advise on technical problems. The amount of this contract will be approximately \$34,000.00.

2) Services of a clinical laboratory to do various tests on a contract basis according to a pre-arranged fee schedule. The amount of this contract will be approximately \$40,000.00.

3) Services of a child psychiatrist to assist staff regarding admissions, assessment and treatment of psychiatric and chemically dependent adolescent patients. This contract is to involve approximately 32 hours per month and is estimated to total \$16,000.00.

Responses for the above services must be received by May 7, 1980. Direct inquiries to:

Steven L. Greene
Rochester State Hospital
2110 East Center Street
Rochester, Minnesota 55901
(507) 285-7491

Department of Public Welfare

Willmar State Hospital

Notice of Request for Proposals for Services to be Performed on a Contractual Basis

Notice is hereby given that the Willmar State Hospital, Mental Health Division, Department of Public Welfare, is seeking the following services for the period July 1, 1980 through June 30, 1981. These services are to be performed as requested by the Administration of the Willmar State Hospital.

1. Services of physicians trained in medicine and surgery to provide medical and surgical services for patients at Willmar State Hospital as mutually agreed upon by the administration of the hospital and consultants.

The estimated amount of the contract will not exceed \$14,000.00.

2. Perform diagnostic laboratory procedures not available at our laboratory.

The estimated amount of the contract will not exceed \$18,000.00.

3. Services of a laboratory to perform urine screening for drug and alcohol abuse; not available at our laboratory.

The estimated amount of the contract will not exceed \$14,000.00.

4. Services of physicians trained and experienced in x-ray interpretation and procedures; provide radiological supervision and consultation for patients at the Willmar State Hospital.

The estimated amount of the contract will not exceed \$11,500.00.

Responses for the above services must be received by May 5, 1980. Direct inquiries to:

Mae Forstrom, Accounting Officer
Willmar State Hospital
Box 1128
Willmar, MN 56201
(612) 235-3322, ext. 396

State Planning Agency Developmental Disabilities Planning Office

Notice of Request for Proposals for Regional Technical Assistance/Information/ Coordination Project

The Developmental Disabilities Planning Office announces that it is seeking proposals from Regional Development Commissions with the interest/capacity to design and implement activities which meet the technical assistance Public information and coordination needs of agencies/consumer organizations which provide services to or represent persons with developmental disabilities.

Technical assistance can include such activities as: suggestions of reference materials, programs and persons; review/comment on proposed programs, legislation, rules and regulations of a national, state or local scope which impact on persons with developmental disabilities and help in writing grant applications which, if funded, would provide services to persons having developmental disabilities.

Public information may focus on: a newsletter, calendar of events, public service announcements, news releases and conferences, workshops and seminars working in the field of developmental disabilities.

Coordination may include such activities as: conduct of regular advisory committee meetings (membership includes both providers and consumers of services), facilitation of discussion between agencies when issues, conflicts or duplication of service delivery arise and facilitate inter agency linkages and agreement to bring about increased/improved services for persons with developmental disabilities.

Selection of specific tasks to be undertaken in any of the above areas should be based on documented regional needs. \$240,000-\$260,000 in grant funds is available statewide for this project. Seven to thirteen projects will be funded. Funding will be for one year. Subsequent funding is contingent upon availability of funds, selection of regional technical assistance information and coordination as a priority by the Governor's

Planning Council on Developmental Disabilities and successful performance relative to the work program established in the grant agreement. The request for Proposal Guidelines to be used in the preparation of an application are available upon written request from the address below. Deadline for receipt of applications is May 23, 1980 (whether postmarked or hand carried). To obtain a Request for Proposal Packet please write to:

Regional Technical Assistance RFP, Marylee Fithian
State Planning Agency
200 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject,

either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Board of Accountancy

Notice of Intent to Solicit Outside Opinion on Rules Regarding Licensing, Fees, Professional Conduct and Continuing Education

Notice is hereby given that the State Board of Accountancy has begun consideration of proposed rules governing licensing, fees, professional conduct and continuing education for certified public accountants and licensed public accountants in accordance with Minn. Stat. §§ 214.06, 214.12 and 326.18 (1978 & Supp. 1979). In order to adequately determine the nature and utility of such rules, the Board of Accountancy hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed rules.

The proposed rules, if adopted, would amend existing rules governing licensure, professional conduct and continuing education for certified public accountants and would make these rules applicable to licensed public accountants. The rules will also establish license and renewal fees for licensed public accountants.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Marian Flanagan
Executive Secretary
Board of Accountancy
500 Metro Square Building
Saint Paul, Minnesota 55101

Oral statement of information and comment will be received during regular business hours over the telephone at (612) 296-7937.

All statements of information and comment must be received by May 16, 1980. Any written materials received by the Board will become part of the hearing record.

Karen S. Champlin, Chairman
Board of Accountancy

Department of Public Service Public Service Commission

Notice of Intent to Solicit Outside Opinion Concerning the Adoption of the Consumer Information Standards Set Forth in Section 115(f) of the Federal Public Utility Regulatory Policies Act (PURPA)

Notice is hereby given that the Federal Public Utility Regulatory Policies Act (PURPA) Sections 113 and 115(f) require state public utility regulatory authorities, including the Minnesota Public Service Commission, to consider certain standards concerning information to electrical consumers, and adopt such standards if appropriate and consistent with state law. Therefore, the commission is hereby soliciting outside opinion on the appropriateness of the PURPA standards and more specifically, the adequacy of PSC 281 and 313.

PURPA Section 113(b) (3) requires the commission to consider Section 115(f) whereby utilities must transmit to its electric consumers information regarding rate schedules.

PURPA Section 115(f) states the following:

115(f) Information to Consumers.—(1) For purposes of the standard for information to consumers established by section 113(b) (3), each electric utility shall transmit to each of its electric consumers a clear and concise explanation of the existing rate schedule and any rate schedule applied for (or proposed by a nonregulated electric utility) applicable to such consumer. Such statement shall be transmitted to each such consumer—

(A) not later than 60 days after the date of commencement of service to such consumer or 90 days after the standard established by section 113(b) (3) is adopted with respect to such electric utility, whichever last occurs, and

(B) not later than 30 days (60 days in the case of an electric utility which uses a bimonthly billing system) after such utility's application for any change in a rate schedule applicable to such consumer (or proposal of such a change in the case of a nonregulated utility).

(2) For purposes of the standard for information to consumers established by section 113(b) (3), each electric utility shall transmit to each of its electric consumers not less frequently than once each year—

(A) a clear and concise summary of the existing rate schedules applicable to each of the major classes of its electric consumers for which there is a separate rate, and

(B) an identification of any classes whose rates are not summarized.

Such summary may be transmitted together with such consumer's billing or in such other manner as the State regulatory authority or nonregulated electric utility deems appropriate.

(3) For purposes of the standard for information to consumers established by section 113(b) (3), each electric utility, on request of an electric consumer of such utility, shall transmit to such consumer a clear and concise statement of the actual consumption (or degree-day adjusted consumption) of electric energy by such consumer for each billing period during the prior year (unless such consumption data is not reasonably ascertainable by the utility).

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

Mary L. Harty
Executive Secretary
Minnesota Public Service Commission
7th Floor, American Center Building
160 East Kellogg Boulevard
St. Paul, MN 55101

All statements of information and comment must be received by April 28, 1980. Any written material received by this date will become part of the record of any rules hearing held on this subject.

Mary L. Harty
Executive Secretary

Department of Public Welfare Social Service Bureau

Notice of Intent to Solicit Outside Opinion Concerning Adoption

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft amendments to 12 MCAR § 2.200 (DPW Rule 200), Adoption.

This rule authorized by Minn. Stat. chs. 257, 259, and § 144.1761 governs the adoption services provided to families and to children who are legally free to be adopted in Minnesota.

The proposed changes will:

1. Define the manner in which a parent may consent to a child's adoption through a licensed child-placing agency or by a stepparent, relative or non-relative petitioner.

2. Require all Minnesota authorized child-placing agencies to register a child on the State Adoption Exchange within sixty days of the child becoming legally freed for adoption and when the child is not in an adoptive home or his/her placement into an adoptive home is not underway.

3. Establish standards for determining a child's eligibility for financial subsidy and the criteria upon which a subsidy agreement is entered into by the adoptive parents.

4. Strengthen the standards in providing post adoption services to legally adopted children, adoptive parents, birth parents and adopted adults in a manner that strengthens the adoption contract.

5. Require that adoption records be retained under a protected records system which guarantees confidentiality and lasting preservation.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Ruth C. Weidell, Supervisor
Adoption Unit
Minnesota Department of Public Welfare
Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3740.

All statements of information and comment must be received by May 14, 1980. Any written material received by the Department shall become part of the hearing record.

Environmental Quality Board

Application by Northern States Power Company for An Exemption from the Power Plant Siting Act

MEQB Docket No. NSP-EA-5 345 kV High Voltage Transmission Line, 345/115 kV Eden Prairie Substation and Associated Facilities

On February 21, 1980, the Minnesota Environmental Quality Board (MEQB) approved the Northern States Power Company (NSP) application for exemption from the Power Plant Siting Act for the construction of 600 feet of 345 kV high voltage transmission line, the 345/115 kV Eden Prairie substation and the associated facilities. The transmission line and substation are to be constructed in the City of Eden Prairie at a location in the southwest quadrant of the Interstate 494, Highway 5, and Highway 169/212 interchange. The survey description is:

That part of the Southwest ¼ of Section 11, Township 116, Range 22, Hennepin County, Minnesota lying South of the Southerly right of way line of New State Highway No. 5 and Northerly of the Northerly right of way line of Old State Highway No. 5, except that part lying East of a line drawn parallel to and 292.45 feet East of the West line of the Southeast ¼ of said Southwest ¼.

The substation will require a fenced area of 600 feet by 300 feet (about 4 acres) and an access road to W 78th Street. About 12.3 acres are proposed to be acquired. The substation will interconnect an existing 345 kV transmission line located 600 feet from the substation with an existing 115 kV transmission line which passes through the proposed site.

The MEQB concluded that the construction of the proposed 345 kV transmission line, the 345/115 kV Eden Prairie substation and the associated facilities will not create significant human or environmental impact.

In making its decision the MEQB considered the application submitted by NSP, the staff report, and all other matters of record. No objections from parties with legal standing were filed with the MEQB.

The granting of this exemption requires NSP to comply with any applicable state rule and any applicable zoning, building and land use rules, regulations and ordinances of any regional, county, local or special-purpose government.

If you have any questions contact John P. Hynes, Permit Compliance Manager, 15 Capitol Square, 550 Cedar Street, St. Paul, Minnesota, 55101 or call 612/296-2871.

April 3, 1980

Arthur E. Sidner, Chairman
Environmental Quality Board

Environmental Quality Board

Notice of Route Designation and Issuance of Construction Permit

Application by United Power Association for A Construction Permit for A High Voltage Transmission Line and Associated Facilities

EQB Docket No. UPA-TR-1 Benton County Substation to Milaca Substation 230 kV Transmission Line

On February 28, 1980, the Minnesota Environmental Quality Board (EQB) designated a route and issued a construction permit for a 230 kilovolt (kV) high voltage transmission line (HVTL) to be built by United Power Association (UPA). The 25 mile transmission line will connect the Northern States Power Company Benton County Substation located in Section 35 of Minden Township, Benton County, with the UPA Milaca Substation in Milaca. The transmission line will be constructed within the EQB designated route (illustrated on the attached county highway map) which connects nodes 1, 2, 5, 5A, 5C, 7, 8, 10A and 11.

The EQB found that the route designated would have the least environmental and human impact and would best meet EQB criteria for insuring reliability and efficient use of resources.

In making its decision on the route, the EQB considered the transcript and record of hearings held during the week of October 22-26, 1979, the hearing officer's report, the Citizens Route Evaluation Committee's recommendation, and the Environmental Impact Statement.

In constructing and operating the line, UPA is required to comply with the terms of the construction permit issued on February 28, 1980. Terms of the permit specify conditions for: locating structures, right of way clearing and management (including herbicide application), electrical performance, and line construction, cleanup and complaint procedures. The permit also requires that a copy of the construction permit, MEQB complaint procedures, UPA complaint procedures, safety information, easement acquisition procedures, and construction and maintenance damage compensation procedures be provided to all affected landowners or their designees prior to UPA initiating any action to acquire right of way easements.

Where no existing rights of way are used, the width of the right of way shall not exceed 130 feet, except as may be required for guy wires and where danger trees must be removed.

Copies of the EQB Findings of Fact and Conclusions of Law, Construction Permit and detailed topographic maps showing

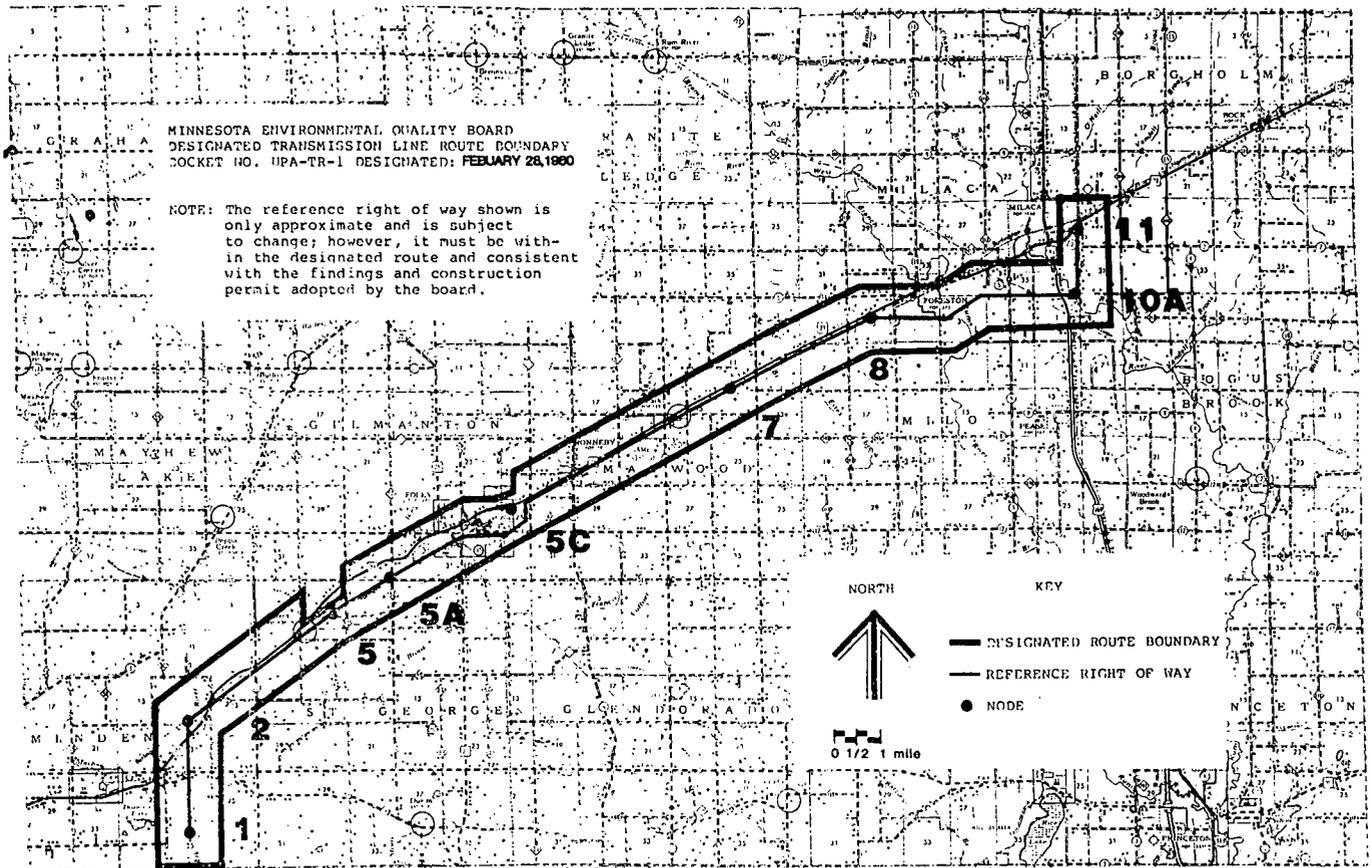
OFFICIAL NOTICES

precise route boundaries and reference centerline will be available at the following locations after May 1, 1980: Public libraries in Foley, Milaca, Princeton and St. Cloud; offices of the East Central Regional Development Commission in Mora and the Central Minnesota Regional Development Commission in St. Cloud; and the EQB office in St. Paul. Copies of the EQB Findings of Fact and Conclusions of Law, Construction Permit, and route maps may also be obtained by contacting John Hynes, Permit Compliance Manager, Room 15, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

If you have any question please call (612) 296-2871.
April 3, 1980

Arthur E. Sidner, Chairman
Environmental Quality Board

[See following map.]



STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building
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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN.

This week—weekly interim bulletin of the House. Contact House Information Office.

Legislative Reference Library
Room 111 Capitol

Interoffice

